



School District of Philadelphia
Office of Environmental Management & Services
440 North Broad Street
Philadelphia, PA 19130
(215) 400-4750

Transmitted via Electronic Mail

Ms. Kyla L. Townsend-McIntyre
U.S. Environmental Protection Agency, Region III
Pesticides/Asbestos Programs and Enforcement Branch (3WC32)
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Self Disclosure Agreement - AHERA
Chester A Arthur School Annex ULCS #2481

Dear Ms. Townsend-McIntyre

As part of the School District of Philadelphia agreement, effective March 9, 2007 and amended January 18, 2008 with the United States Environmental Protection Agency (EPA), this letter is intended to transmit and certify the Disclosure Report for the Chester A. Arthur School Annex.

This Disclosure Report was written in accordance with the above noted agreement and the "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 Federal Register 19618 (4/11/00) (the Policy).

As this is our initial submittal under the AHERA portion of the agreement, we request that the EPA review this document and provide comments within the next 7 days so that we can correct any gaps or deficiencies prior to the submittal of the rest of the 29 reports that are due to the EPA on or before April 18, 2008.

As the Responsible Official, I hereby certify that the attached disclosure report entitled *Disclosure Report- Chester A. Arthur Annex ULCS #2481* submitted to EPA is true, accurate and complete in the form set forth in 40 C.F.R. § 270.11(d).

If you have any questions or comments please feel free to contact me or Ms. Elizabeth Gutman, Esq.

Sincerely,

A handwritten signature in cursive script that reads "Francine Locke".

Francine Locke, MS
Director, Environmental Management & Services

Attachment 1 – *Disclosure Report- Chester A. Arthur Annex ULCS #2481*

SELF AUDIT DISCLOSURE REPORT

Facility Name: Arthur Annex Elementary School #2481
Facility Address: 2007 Christian Street
Philadelphia, PA 19146

Audit Date: January 29, 2008

Audit Personnel: Alisa Otteni, CPEA, URS Corporation
Brian Joseph, URS Corporation

URS performed an Asbestos Hazard Emergency Response Act (AHERA) Environmental Compliance Audit (audit) at the Arthur Annex Elementary School #2481 in accordance with Section IV of the "Self-Audit/Self Disclosure Agreement" between the United States Environmental Protection Agency, Region III (EPA) and the School District of Philadelphia (School District), effective as of March 9, 2007, amended January 18, 2008. The focus of the audit was to evaluate compliance with the regulatory programs required by the "Self-Audit/Self Disclosure Agreement." The audit was conducted under the environmental regulations set forth in the "Self-Audit/Self Disclosure Agreement." URS reviewed the following programs, in accordance with the scope in Section IV B of the "Self-Audit/Self Disclosure Agreement":

1. Asbestos Hazard Emergency Response Act (AHERA): (40 CFR Part 763), Subpart E. The Asbestos Audit will determine compliance with Toxic Substances Control Act (TSCA), Subchapter II (the Asbestos Hazard Emergency Response Act or AHERA), 15 U.S.C. §§ 2641 to 2646, and the federal regulations implementing AHERA as set forth at 40 C.F.R. Part 763 Subpart E.

The audit was conducted on behalf of the School District by URS Corporation on January 29, 2008. Approximately ten days prior to the audit, the facility was provided with a tentative audit time schedule and a list of documents to gather for review during the audit.

Findings were also reviewed with regards to the following nine requirements needed in order to satisfy the EPA's Self-Disclosure Policy.

Systematic discovery of the violation through an environmental audit or the implementation of a compliance management system.

Voluntary discovery of the violation was not detected as a result of a legally required monitoring, sampling or auditing procedure.

Prompt disclosure in writing to EPA within 21 days of discovery or such shorter time as may be required by law. Discovery occurs when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred. However, the 21 day reporting requirement was waived by the EPA in accordance with this agreement policy (see section IV. C. and IV.D.2 of the agreement).

Independent discovery and disclosure before EPA or another regulator would likely have identified the violation through its own investigation or based on information provided by a third-party.

Correction and remediation within 60 calendar days, in most cases, from the date of discovery.

Prevent recurrence of the violation.

Repeat violations are ineligible, that is, the specific (or closely related) violations have occurred at the same facility within the past 3 years or those that have occurred as part of a pattern at multiple facilities owned or operated by the same entity within the past 5 years; if the facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

Certain types of violations are ineligible such as those that result in serious actual harm, those that may have presented an imminent and substantial endangerment, and those that violate the specific terms of an administrative or judicial order or consent agreement.

Cooperation by the disclosing entity is required.

The personnel selected for this project are experienced senior and project level staff that have completed many Environmental Compliance Audits in the past. Ms. Alisa Otteni, CPEA, the lead auditor, has managed more than two hundred multi-media environmental compliance audits throughout the United States. She has been a URS project manager for more than sixteen years. Ms. Otteni was assisted by Mr. Brian Joseph. Mr. Joseph has seven years of experience in environmental testing and inspections. Mr. Joseph is an accredited and licensed AHERA Building Inspector, Supervisor and Management Planner.

The audit included the following:

- Opening meeting with the School Principal and Building Engineer;
- Review of documentation pertaining to the scope of the audit;

- Detailed tour of specific site areas, deemed necessary by auditors;
- Closing meeting with the School Principal and Building Engineer.

The following the School District staff attended the opening meeting on January 29, 2008:

- Ms. Renee Musgrove, School Principal
- Mr. Mario Tamborello, Building Engineer

The following the School District staff attended the closing meeting on January 29, 2008:

- Ms. Renee Musgrove, School Principal
- Mr. Mario Tamborello, Building Engineer

Review of AHERA documentation was conducted in the Principal's office and the Building Engineer's office. Personnel representing the various departments were interviewed during the record review.

Regulatory findings are presented below. A corrective action plan and associated exhibits are provided in a separate document titled "Self Audit Disclosure Corrective Action Plan."

1.0 ASBESTOS EMERGENCY RESPONSE ACT (AHERA)

The facility was evaluated for compliance with the following regulations:

1. An up-to-date Inspection/Re-inspection schedule that complies with the requirements found at 40 C.F.R. § 763.80;
2. An up-to-date Management Plan that complies with the requirements of 40 C.F.R. § 763.93;
3. A training and periodic surveillance schedule that complies with the requirements found at 40 C.F.R. § 763.92;
4. An Operation and Maintenance plan that complies with the requirements found at 40 C.F.R. § 763.91.
5. A "Designated Person" that complies with the requirements found at 40 C.F.R. § 763.84(g);
6. A plan to provide annual notifications as required 40 C.F.R. § 763.93(g)(4); and
7. A record keeping plan that complies with the requirements found at 40 C.F.R. § 763.94.

FINDING NUMBER: 1 (Management Plan)

Regulatory Citation: 40 CFR § 763.93(a)(2)

Description of Finding: An initial management plan was not found. The date this building was initially leased or used as a school was not found. The regulations require the LEA to complete an Asbestos Management Plan prior to use as a school building. For buildings obtained after October 12, 1988 the LEA must submit the plan to the Pennsylvania Department of Education.

Date of Non-Compliance: December 2006

Corrective Action: Create an Asbestos Management Plan for this property and submit a copy of the plan along with the latest Reinspection Report to the Pennsylvania Department of Education.

Actions to Prevent Reoccurrence: The School District should develop a written plan that will ensure newly obtained locations are inspected prior to its use as a school building. Maintain accurate up-to-date information regarding buildings that are planned for lease or purchase.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)

FINDING NUMBER: 2 (Reinspections and Periodic Surveillance)

Regulatory Citation: 40 CFR § 763.93(e)(9)

Description of Finding: The school is required to maintain a schedule for completing the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections in the Asbestos Management Plan. No written schedule was identified as part of the Asbestos Management Plan.

Date of Non-Compliance: Unknown -See Finding 1 above.

Corrective Action: A written schedule must be established and implemented for the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections. These schedules must be included as part of the Asbestos Management Plan.

Actions to Prevent Reoccurrence: Implement and track the Reinspection schedule in a compliance calendar so that the 30 day update can be tracked for the next 6 Month Periodic Surveillance Inspections and 3 Year Reinspection in 2009.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)

FINDING NUMBER: 3 (3-Year Reinspections)

Regulatory Citation: 40 CFR § 763.85(b)(1)(vii)

Description of Finding: The regulations require that the asbestos management plan be updated within 30 days of the 3 Year Reinspection's inspection date. The 2006 3 Year Reinspection Report has not been printed for inclusion in the Central File at 440 N. Broad Street. The most recent Reinspection Report is dated December 2003. A copy of the 2006 Reinspection report was available for review at the Arthur School. Please note that all files for the Arthur annex are kept at the Arthur School located across the street.

Date of Non-Compliance: 2006

Corrective Action: Print the Reinspection Report for the Central File at 440 N. Broad Street. The regulations require that the asbestos management plan be updated within 30 days of the 3 Year Reinspection's inspection date.

Actions to Prevent Reoccurrence: Implement and track the Reinspection date in a compliance calendar so that the 30 day update can be tracked by both the school and personnel in the central office for the next 3 Year Reinspection in 2009.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)

FINDING NUMBER: 4 (Operations and Maintenance)

Regulatory Citation: 40 CFR § 763.91(a)

Description of Finding: The school must maintain an Operation and Maintenance program as part of the Asbestos Management Plan. No written plan was identified for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes.

Date of Non-Compliance: Unknown -See Finding 1 above.

Corrective Action: Develop a written plan for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes and incorporate this document into the management plan.

Actions to Prevent Reoccurrence: The operations and maintenance plan must be updated if there are any changes in procedures. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of plan elements changes.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)

FINDING NUMBER: 5 (Designated Person)

Regulatory Citation: 40 CFR § 763.84 (g)

Description of Finding: The LEA must maintain a current Designated Person (DP) for the School District. The DP responsible for asbestos management activities has not been documented in writing in the 3-year reinspection reports since 2003.

Date of Non-Compliance: 2003

Corrective Action: Mr. Jerry Junod has been designated as the DP and he does hold the required training background. However, the School District is in the process of updating the DP records within the Asbestos Management Plan. The School District is adding the required information about the current DP to the 2006 Reinspection Report which are currently being reproduced.

Actions to Prevent Reoccurrence: The Asbestos Management Plan should be updated any time there is a change in the Designated Person. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of personnel changes.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)

FINDING NUMBER: 6 (Recordkeeping)

Regulatory Citation: 40 CFR § 763.94

Description of Finding: The preventive measures, response actions, training records, and periodic surveillances are a required part of an Asbestos Management Plan. These documents are maintained separately with no link to the Asbestos Management Plan.

Date of Non-Compliance: Unknown, See Finding 1 above.

Corrective Action: The records regarding all preventive measures, response actions, training and periodic surveillance must be included in the Asbestos Management Plan. Documents could be linked to the management plan via cross reference table while incorporating the cross reference table into the management plan.

Actions to Prevent Reoccurrence: The cross reference table must be updated if there are any changes to the record keeping documents. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of record keeping changes.

Filed For Extension: Yes No

Satisfy the Nine (9) Conditions of Eligibility: Yes No (explain)